

APPROVED  
**LAKE ZURICH BOARD OF TRUSTEES**  
**REGULAR MEETING**  
**70 East Main Street**  
Monday, May 18, 2009

**1. CALL TO ORDER AND ROLL CALL**

The meeting was called to order at 7:02pm.

Present were Village President Branding, Trustees Halen, Johnson, Poynton, Sprawka and Sustich. Also present were Village Administrator Vitas, Village Attorney Burkland, Police Chief Finlon, Public Works Director/Engineer Heyden, Fire Chief Mastandrea, Finance Director Zochowski, Human Resources Manager Pankiw, Village Planner Gadde, and Building/Zoning Director Peterson.

**2. PLEDGE OF ALLEGIANCE**

**3. PRESIDENT'S REPORT**

A. Certificates of Recognition for Special Needs Athletic Participants (SNAP)

*Certificates of Recognition from the Village of Lake Zurich for "Enthusiastic Participation as an Athlete in the SNAP Program on April 26, 2009" were presented by Spring Green, Meghan Mowinski, and President Branding to the participants of SNAP which was founded 11 years ago and has 33 current athletes. Spring Green thanked the Village for declaring SNAP day and for helping to support the program.*

B. Presentation of the Gavel

*Administrator Vitas presented President Branding an engraved gavel on behalf of the residents of the Village of Lake Zurich.*

C. Certificates of Appreciation for Eagle Scouts Nate Behrens and Matt Racicot

*Chief Finlon explained that Eagle Scout candidate Nate Behrens, Troop 92 of Hawthorn Woods, proposed then executed his project to build two display cases for the Police Department. One displays historic department memorabilia and the other displays the various awards the department has received. Nate initiated the project in January of 2009, coordinated work efforts totaling almost 165 hours then finished in March 2009. His eagle scout project cost almost \$1,300 which was sponsored by St. Matthew's Church, Ela Township and other individuals. Chief Finlon thanked Nate for being extremely well organized and efficient. Nate thanked members of his church and his Boy Scout troop as well as other carpentry experts for their help on this project. He also thanked the Village of Lake Zurich and the Police Department for the opportunity to do this project. Chief Finlon presented Nate with the certificate of appreciation.*

*Chief Finlon explained that Eagle Scout candidate Matt Racicot, Troop 309 of Deer Park, proposed then executed his project to build a history of the Police Department display using the jail cell door from the prior facility on Main Street. Matt started this project in November of 2007 and finished in March 2009. The project required Matt to organize the Boy Scout troop to remove the cell door from the old facility, transport it to the metal shop to be worked on then bring it to the police station for installation. Chief Finlon thanked Matt for his perseverance and for the nice addition to the police station then presented Matt with the certificate of appreciation.*

D. American Legion parade, Monday, Memorial Day, May 25, 2009 at 10:00 a.m.

*President Branding reminded everyone that the Memorial Day parade was scheduled for Monday at 10am.*

E. Certificate of Achievement for Excellence in Financial Reporting for FY2008 presented by the Government Finance Officers Association

*President Branding announced that the Village was presented with a certificate of achievement for the 21<sup>st</sup> year and thanked the Finance department.*

*President Branding announced that she will be in the board room for 30 minutes prior to the start of all meetings for those residents who would like to speak with her.*

*President Branding apologized for not having Public Comment on the agenda for the May 4, 2009 meeting.*

#### **4. PUBLIC COMMENT**

*Michael S. Talbett, 1245 Stratford Court, District 19 representative for the Lake County Board welcomed the new Lake Zurich Village Board and handed each member a copy of the Lake County directory.*

#### **5. APPROVAL OF MINUTES**

A. Special Village Board meeting May 4, 2009

MOTION was made by Trustee Johnson, seconded by Trustee Poynton, to approve the Special Village Board meeting minutes of May 4, 2009 as presented.  
AYES: 5 Trustees Halen, Johnson, Poynton, Sprawka and Sustich

NAYS: 0

ABSENT: 0

MOTION CARRIED

B. Special Committee of the Whole meeting May 11, 2009

MOTION was made by Trustee Poynton, seconded by Trustee Sustich, to approve the Special Committee of the Whole meeting minutes of May 11, 2009 as presented.

Voice vote, all in favor.

MOTION CARRIED

C. Special Committee of the Whole meeting May 13, 2009

MOTION was made by Trustee Sprawka, seconded by Trustee Sustich, to approve the Special Committee of the Whole meeting minutes of May 13, 2009 as presented.

Voice vote, all in favor.

MOTION CARRIED

**6. CONSENT AGENDA**

A. An Ordinance approving a variation for 1245 Thorndale Avenue (variation approved at 5-4-09 meeting) (Assigned ORD. #2009-05-633).

MOTION was made by Trustee Johnson, seconded by Trustee Halen, to approve the Consent Agenda as read.

AYES: 5 Trustees Halen, Johnson, Poynton, Sprawka and Sustich

NAYS: 0

ABSENT: 0

MOTION CARRIED

**7. ADMINISTRATOR'S REPORT**

*No report*

**8. ATTORNEY'S REPORT**

*No report*

**9. OTHER BUSINESS**

*None*

**10. NEW BUSINESS**

A. Warrant dated May 18, 2009 in the amount of \$284,963.79.

MOTION was made by Trustee Poynton, seconded by Trustee Sprawka, to approve the payment of the warrant dated May 18, 2009 in the amount of \$284,963.79.

*President Branding stated that the following items exceed 5% of the total warrant: Lake County Collector for \$31,168.46 (10.94%), Midwest Operating Engineers for \$26,202 (9.19%), Lake Zurich Fire Protection District for \$17,104.31 (6%), and Growth Partners LLC for \$15,000 (5.26%).*

AYES: 5 Trustees Halen, Johnson, Poynton, Sprawka and Sustich (abstained from program 0150032, a payment to the University of Illinois)

NAYS: 0

ABSENT: 0

MOTION CARRIED

B. Ordinance approving City of Highwood as a new SWALCO member.

MOTION was made by Trustee Sustich, seconded by Trustee Sprawka, to approve the ordinance consenting to the City of Highwood as an additional member of the Solid Waste Agency of Lake County Illinois (SWALCO) with no late fee, assigned ordinance #2009-05-634.

*Director Heyden commented that this is a routine ordinance as any new member must be approved by all current members of SWALCO.*

AYES: 5 Trustees Halen, Johnson, Poynton, Sprawka and Sustich

NAYS: 0

ABSENT: 0

MOTION CARRIED

C. Mutual aid agreement with Countryside Fire Department.

MOTION was made by Trustee Johnson, seconded by Trustee Sustich, to approve an automatic aid agreement between the Village of Lake Zurich Rural Fire Protection District and the Countryside Fire Protection District for the exchange of fire and emergency medical services in specified areas as submitted.

*Chief Mastandrea mentioned that this is the last automatic aid agreement with Lake Zurich's bordering neighbors. This is partially due to the CN Rail acquisition and ensures that areas divided by the railroad will receive aid in a timely manner. Chief Mastandrea confirmed for Trustee Poynton that this agreement was already brought to the Fire Protection District.*

AYES: 5 Trustees Halen, Johnson, Poynton, Sprawka and Sustich

NAYS: 0

ABSENT: 0

MOTION CARRIED

D. Replacement outdoor warning siren.

MOTION was made by Trustee Halen, seconded by Trustee Sustich, to approve the purchase and installation of a Federal model 2001 outdoor warning siren with optical solar panel from Federal Signal Safety and Security Systems per quote FWS22-100206-R3 in the amount of \$13,306.80. This motion includes a sole-source purchase waiving formal bids since Braniff Communications Incorporated

is the exclusive authorized representative for Federal Signal Public Safety Systems covering the northern half of Illinois.

*Chief Mastandrea commented that we have six sirens throughout the village and this is the last unit to be replaced over a period of 19 years as it is obsolete. The new siren will operate using solar power.*

*Chief Mastandrea confirmed for Trustee Halen that the other five sirens in the village are not powered by solar energy.*

AYES: 5 Trustees Halen, Johnson, Poynton, Sprawka and Sustich

NAYS: 0

ABSENT: 0

MOTION CARRIED

MOTION was made by Trustee Poynton, seconded by Trustee Johnson, to approve the siren removal disposal installation as outlined in quote #BCIIS0011581-R3 from Braniff Communications Incorporated in the amount not to exceed \$5,520.

*Chief Mastandrea commented that this is the removal and installation cost for the old siren. The new siren will be located on a separate tower.*

AYES: 5 Trustees Halen, Johnson, Poynton, Sprawka and Sustich

NAYS: 0

ABSENT: 0

MOTION CARRIED

#### E. Community Notification System.

MOTION was made by Trustee Johnson, seconded by Trustee Sustich, to approve a two-year service agreement with Blackboard Connect Inc. for implementation of the Connect CTY Community Notification System as described in the service agreement at a cost not to exceed \$21,000. It is recommended that because the Connect CTY is a GSA vendor, the formal bidding process will be waived.

*Chief Mastandrea commented that this system has been in the works for two years. It is a means by which the village can notify the residents of any type of disaster, to give out instructions, or communicate an action to be taken. It's an immediate dial which is similar to the program used by the school district however a combined system could not be leveraged due to the different uses. The service costs approx \$11,000 per year and a two-year service agreement was covered in part by a \$15,000 ITTF IASMA EOC technology grant.*

*Chief Mastandrea confirmed for Trustee Sprawka that this system is separate from the one used last fall when a woman became disoriented and was lost in the marsh. Chief Finlon confirmed that the other system is called "A Child is*

*Missing" which is available through the Center for Missing and Exploited Children and can only be used under specific circumstances.*

*Chief Mastandrea explained that the CTY system can also be used to call certain areas or subsets within the village.*

*Trustee Halen asked for the most common reason that the system might be used and also how the residents would register to use the system. Chief Mastandrea explained that residents will be able to register in many ways including a web portal capable of accepting numerous phone numbers per household. He commented that the system would most likely be used to disseminate instructions to the residents which might be needed during a tornado, during power outages, when there is a boil order, or a hazardous spill. He said that the staff would be trained by the vendor and would then evaluate how to best leverage the system.*

AYES: 5 Trustees Halen, Johnson, Poynton, Sprawka and Sustich

NAYS: 0

ABSENT: 0

MOTION CARRIED

F. Amendment to Agreement among the Villages of Lake Zurich, Hawthorn Woods, and Kildeer regarding use of Lake Zurich gas pumps and fuel.

MOTION was made by Trustee Sustich, seconded by Trustee Poynton, to approve the amendment to agreement between the Villages of Lake Zurich, Hawthorn Woods, and Kildeer regarding use of Lake Zurich gas pumps and fuel.

*Director Heyden commented that this is an amendment to the current three-year agreement that expired on April 30, 2009 and will extend it to April 30, 2011. The only modification made to the agreement is that Kildeer and Hawthorn Woods now pay the same maintenance fee.*

*Director Heyden confirmed for Trustee Halen that the cost of fuel or additional maintenance is not factored into the agreement. The fee covers the normal annual maintenance. He commented that this is in the best interest of the municipalities because they do not pay the motor fuel tax portion of the fuel costs or profit to a gas station.*

*Trustee Sustich inquired about the tracking mechanism for fuel usage and Director Heyden explained that usage is tracked by a key card system.*

AYES: 5 Trustees Halen, Johnson, Poynton, Sprawka and Sustich

NAYS: 0

ABSENT: 0

MOTION CARRIED

G. Lake Zurich Christian Assembly, Knights of Columbus, 365 Surryse Rd., courtesy review for text amendment, rezoning from B-1 to 0-2, special use permits, and other approvals.

*Mr. Dwyer explained why the Knights of Columbus are asking to amend the zoning of the Columbus Center so that the Lakeview Church can lease space and hold church services. Over the course of a few months, the Knights of Columbus have worked with the Village to arrive at the proposed solution.*

*Trustee Johnson asked Attorney Burkland if the existing ordinance could be amended with a limited use amendment. Attorney Burkland explained that based on the usage of the area, it was more disciplined and proper to change the zoning to O-2. Trustee Johnson wanted to know if there were tax implications for the Knights of Columbus because of the change in zoning. Attorney Burkland commented that tax implications for the Knights of Columbus were not researched however it was assumed that the tax implications would be less in an office designated zone versus a business designated zone and that the change would be a wash for the Village.*

*At Trustee Halen's request, Director Peterson provided an update and commented that the applicants had submitted plans for the office build out today as they had indicated previously they would. Trustee Poynton thanked Director Peterson for his work on finding this solution.*

This item will now move forward to the appropriate Boards and Commissions for further review without recommendation from the Board.

#### H. Jade Development, Route 22, courtesy review for day care center.

*Mike Eck, attorney for Jade Development, explained the history of the proposals for the parcel located on Route 22 near the CN railroad. The current proposal would have a "Kids R Kids" franchise built on the site.*

*President Branding pointed out that the trustees would have to consider the significant adjustments/amendments required to the Form Based Code (FBC) should they accept the current proposal.*

*Trustee Johnson asked Director Peterson to explain the specific deviations from the FBC. Director Peterson outlined the list contained within a memorandum which included deviations from the FBC requirements for parking location, canopy size, secondary service access location, parking requirements for shared spaces, landscaping, lighting, number of stories, etc.*

*Village Planner Vijay Gadde reiterated the spirit behind the FBC and pointed out that there are two major standards that would have to be adjusted should the board accept the current proposal.*

*Trustee Sustich asked if and how Greg Shermer was involved in the charette process. Mr. Eck commented that Mr. Shermer was involved initially however he didn't realize until recently that the FBC had been adopted by the Village.*

*Director Peterson commented that Mr. Shermer was given notice and invited to participate as a property owner in the charette process. Also, by statute, notice was sent to all property owners listed on the tax records for the related plan commission and public hearing processes.*

*Mr. Shermer reiterated the history of proposals for the parcel and the difficulty in finding an appropriate project for the space.*

Trustee Johnson commented that the CN railroad does present a challenge for developers however he said that there were various ways to adjust the proposal to meet the FBC's parking requirements. He said that the first time a building was erected under the regulations of the FBC, large variances should not be allowed. Trustee Sprawka acknowledged that the site was difficult to build on but that he had concerns with the proximity of the day care center to the CN railroad tracks. Trustee Sustich asked if there were plans for the other parcels owned by Jade Development. Mr. Shermer acknowledged that there were none. Trustee Sustich commented that plans for all other parcels in that area needed to be taken into consideration when evaluating the current proposal as any deviations from the FBC would have impacts on them as well.

Administrator Vitas commented that there are no immediate plans for the development of the parcel located at the corner of Old Rand and Rt 22 which is owned by another developer. He acknowledged the difficulty of developing the parcel under consideration and spoke about the proposal for Kids R Kids as well as a car wash on the adjacent property.

Mr. Shermer commented that the car wash proposal was off the table and that the day care was the only proposal. He also remarked that the day care would not need access to Old Rand Rd.

Mr. Eck stated that Kids R Kids has to work within the requirements of the franchise and that they are purchasing the property versus leasing it. They will be vested in the Village after making such a significant investment.

Trustee Poynton asked why Kids R Kids chose Lake Zurich and that site in particular. Mr. Eck responded that the demographics are driving the desire to build here as well as at three other sites in northern Illinois.

John Stone of Stone Development Group commented that his company is under contract to build 89 Kids R Kids locations throughout northern Illinois and southern Wisconsin. The Kids R Kids franchise is an educational facility for children 6 weeks to 12 years old.

Trustee Johnson reiterated that he likes the look of the building and has no issue with the concept however he would like the developer to work within the FBC.

Trustee Poynton agreed with Trustee Johnson and asked the developer to work closer with Director Peterson and his staff to resolve the FBC issues in the current proposal.

This item will now move forward to the appropriate Boards and Commissions for further review without recommendation from the Board.

- I. Flex, Bish Creative Display, Lot 7 in the Astor Subdivision, an Ordinance approving site plans and exterior appearance plans for Lot 7, Astor Subdivision (Bish Creative Display).

Director Peterson commented that the Building and Zoning Department received a call from Bish Creative Display asking that this item be tabled for two weeks until the June 1, 2009 meeting.

MOTION was made by Trustee Halen seconded by Trustee Johnson to table the discussion until the June 1, 2009 meeting.

Voice vote, all in favor.

MOTION CARRIED

J. Ordinance amending Section 1-8-9 of the Lake Zurich Municipal Code regarding hearings for the administrative adjudications.

MOTION was made by Trustee Sustich, seconded by Trustee Halen, to amend subsection A, titled Scheduling of Section 1-8-9 Titled Hearings of the Lake Zurich Municipal Code so that subsection 1-8-9A will allow for hearings to be conducted within 6 months of violations for Title 6 of the Lake Zurich Municipal Code, assigned ordinance #2009-05-636.

*Attorney Burkland commented that this adjustment is being made because of the length of processing time for the automated traffic violations. He and Trustee Sustich discussed modifying the verbiage under A1 where it states "Hearings conducted pursuant to this chapter on violations of Title 6..." Instead it should read "Hearings conducted pursuant to this chapter on an automated traffic law violation and compliance violations..."*

*Chief Finlon clarified Trustee Sustich's questions regarding the timing of the notifications.*

*Trustee Halen asked how long on average the process would be expected to take. Chief Finlon said that it should take three to four months on the outside though there are many different factors. He reiterated that this is being rolled out slowly and methodically.*

AYES: 5 Trustees Halen, Johnson, Poynton, Sprawka and Sustich

NAYS: 0

ABSENT: 0

MOTION CARRIED

K. IDOT resolution for thermoplastic pavement marking in the amount of \$5,500.

MOTION was made by Trustee Johnson, seconded by Trustee Sprawka, to approve a resolution for maintenance of streets and highways by the Municipality under the Illinois high code for the purposes of contractual services to install thermoplastic pavement markings at various locations throughout the village in the amount of \$5,500, assigned resolution #2009-05-18A.

*Director Heyden commented that this is an authorization to spend \$5,500 from the Motor Fuel Tax fund for thermoplastic pavement markings.*

AYES: 5 Trustees Halen, Johnson, Poynton, Sprawka and Sustich

NAYS: 0

ABSENT: 0

MOTION CARRIED

L. IDOT resolution in the amount of \$20,000.12 and three Engineering Service agreements for sidewalk along South Old Rand Road, CMAQ project.

MOTION was made by Trustee Sustich, seconded by Trustee Poynton, to approve the resolution for improvement by the Municipality under the Illinois highway code in the amount of \$20,000.12 and the three associated Engineering Service agreements in the amount of \$52,000.59, assigned resolution #2009-05-18B.

*Director Heyden commented that this is a three-phase CMAQ (Congestion Mitigation Air Quality) project and that the Village had received an 80/20 grant. The \$20,000.12 would come from the Motor Fuel Tax fund with the remaining difference from \$52,000.59 being covered by the grant.*

*Director Heyden confirmed for Trustee Poynton that the project is for constructing sidewalks.*

*Trustee Sustich asked if these were porous materials. Director Heyden confirmed that they were due to environmental considerations for the wetland.*

AYES: 5 Trustees Halen, Johnson, Poynton, Sprawka and Sustich

NAYS: 0

ABSENT: 0

MOTION CARRIED

M. IDOT resolution for miscellaneous street maintenance in the amount of \$94,850.

MOTION was made by Trustee Johnson, seconded by Trustee Halen, to approve a resolution for maintenance of streets and highways by Municipality under the Illinois high code for the purposes of purchasing materials for street maintenance throughout the village in the amount of \$94,850, assigned resolution #2009-05-18C.

*Director Heyden explained that this resolution is for the purpose of purchasing materials for in-house staff to maintain the highways. Typically the budget comes under the General Fund however in recent years the Village has deviated from the Street Maintenance Plan so these materials need to be purchased using the Motor Fuel Tax funds.*

AYES: 5 Trustees Halen, Johnson, Poynton, Sprawka and Sustich

NAYS: 0

ABSENT: 0

MOTION CARRIED

## 11. TRUSTEE REPORTS

*Trustee Sustich announced that the Lake Property Owners Association (LPOA) had contracted for an herbicide treatment for invasive plants on the west side of the lake (Lake Zurich) for last week. All LPOA members were notified. The east side of the lake will be treated on Wednesday.*

*Trustee Sprawka congratulated the Public Works department on a job well done at the Open House. Many families including his and Clerk Dau's attended and enjoyed the event.*

*Trustee Sprawka separately commented that a citizen had indicated that he/she would be amenable to reintroducing the vehicle sticker program with funds going directly to the Road Maintenance Program.*

## 12. EXECUTIVE SESSION called to discuss pending, probable, or imminent litigation and matters related to specific personnel.

MOTION was made by Trustee Sustich, seconded by Trustee Sprawka, to adjourn to Executive Session to discuss pending, probable, or imminent litigation and matters related to specific personnel and to reconvene to open session.

AYES: 5 Trustees Halen, Johnson, Poynton, Sprawka and Sustich

NAYS: 0

ABSENT: 0

MOTION CARRIED

The meeting recessed to Executive Session at 8:40 pm.

The meeting reconvened to open session at 9:04 pm.

## 13. Consideration to allow review of certain closed session verbatim records.

MOTION was made by Trustee Poynton, seconded by Trustee Sustich, to allow the board members to listen to verbatim recordings as discussed in closed session for the next 14 days after which the recordings will be processed in accordance with Village policy.

AYES: 5 Trustees Halen, Johnson, Poynton, Sprawka and Sustich

NAYS: 0

ABSENT: 0

MOTION CARRIED

## 13. EXECUTIVE SESSION called to discuss pending, probable, or imminent litigation and matters related to specific personnel.

MOTION was made by Trustee Poynton, seconded by Trustee Johnson, to adjourn to executive session to discuss pending, probable, or imminent litigation and matters related to specific personnel and not reconvene to open session.

AYES: 5 Trustees Halen, Johnson, Poynton, Sprawka and Sustich

NAYS: 0

ABSENT: 0

MOTION CARRIED

**14. ADJOURNMENT**

The meeting adjourned at 9:08pm

Respectfully submitted: *Wende M. Dau, Village Clerk*

Approved by:      /s/    President Suzanne K. Branding, 6/15/09